

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CLINT FLAKES,

Plaintiff,

V.

**LOWE'S HOME CENTERS, LLC and
JOHN DOES 1-5,**

Defendants.

CIVIL ACTION

FILE NO.: 1:22-cv-00210-VMC

**DEFENDANT LOWE’S HOME CENTERS, LLC’S NOTICE OF NON-
PARTY FAULT AND INTENT TO APPORTION**

COMES NOW Defendant Lowe's Home Centers, LLC ("Lowe's"), by and through its counsel of record, and, pursuant to O.C.G.A. § 51-12-33, hereby gives notice that Ricky Wolfe and Melvin Robinson, non-parties to this action, are wholly or partially at fault for the injuries and/or damages claimed by Plaintiff Clint Flakes ("Plaintiff").

I. Ricky Wolfe

Plaintiff’s claims arise out of a shooting that occurred on September 23, 2019 in the Lowe’s parking lot. Plaintiff alleges that he was “the victim of an aggravated assault, aggravated battery, attempted murder, and was shot with a deadly weapon.” (Am. Compl., ¶ 14 (Nov. 3, 2021)). Upon information and belief, Ricky Wolfe is

the person that shot Plaintiff. Mr. Wolfe recently pleaded guilty to various charges for shooting Plaintiff (and Melvin Robinson), including violation of the Street Gang Terrorism and Prevision Act for his commission of murder (Melvin Robinson) and aggravated battery (Plaintiff). Accordingly, Mr. Wolfe is wholly or partially at fault.

Lowe's understands that Mr. Wolfe is currently incarcerated at Georgia Diagnostic Class Prison, 2978 GA Highway 36, Jackson, GA 30233. Prior to his incarceration, Mr. Wolfe's last known address may be 294 Brownlee Road, #C6, Atlanta, GA 30311.

II. Melvin Robinson

Additionally, Melvin Robinson is wholly or partially at fault. Plaintiff testified that on September 23, 2019, he was sitting in a truck owned by Melvin Robinson in the parking lot between Lowe's and Camp Creek Body Art for an undetermined amount of time when a black Maxima backed in beside Robinson's truck, and one of the individuals in the Maxima got out and tried to open Robinson's door in an attempt to break into Robinson's truck. Flakes testified that while the individual was yanking on the driver's door, Robinson rolled his window down, the individual screamed, "oh, shoot," the individual jumped back into the Maxima, and then the Maxima drove away.

That should have been the end of the story, but Mr. Robinson (and Plaintiff) pursued the Maxima through the Lowe's parking lot, boxed them in, and confronted them with a loaded gun and machete. Video surveillance shows that Robinson drove his truck directly to and in front of the Maxima and the Maxima tried to get away, but was boxed in. While the Maxima attempted to escape, Robinson got out of his truck with a gun in his hand and walked around the front of his truck toward the Maxima to confront the individuals. Plaintiff also got out with a machete. A shootout ensued, and Plaintiff and Robinson were both shot.

While Lowe's disputes Plaintiff's version of events, Plaintiff claims that he asked Robinson to let him out of the vehicle but Mr. Robinson would not let him out. Instead, Mr. Robinson pursued the Maxima, confronted them with a gun, and Plaintiff and Mr. Robinson were both shot. Thus, Mr. Robinson is wholly or partially at fault.

Mr. Robinson is deceased.¹ Terra McKinney is the Administrator of Mr. Robinson's Estate. Ms. McKinney's last known address may be 100 Milano Drive, Atlanta, GA 30331. She also may be contacted through her counsel, Michael T. Rafi

¹ Mr. Robinson died from the injuries he sustained during the shooting incident at issue in this case.

and Alexander J. Brown of Rafi Law Firm LLC located at 1776 Peachtree St., NW, Suite 423-South, Atlanta, GA 30309.

For the reasons stated herein, Lowe's serves notice that it will seek apportionment against Ricky Wolfe and Melvin Robinson.

Submitted this 31st day of October, 2023.

/s/ Bret A. Beldt

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2023, a copy of the foregoing **NOTICE OF NON-PARTY FAULT AND INTENT TO APPORTION** has been filed with the Clerk of Court using the CM/ECF system, which will automatically send an email notification of such filing to the following attorneys of record:

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